UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,764	11/25/2003	Masashi Yonemaru	829-618	3114

23117 7590 09/28/2007

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
DICKEY, THOMAS L	

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
09/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/720,764	YONEMARU, MASASHI	
	Examiner	Art Unit	
	Thomas L. Dickey	2826	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1,6 and 8*.
   Claim(s) withdrawn from consideration: *2,3,5,7 and 9-23*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: PTO-892 and attachment.

Thomas L Dickey
Primary Examiner
Art Unit: 2826

Continuation of 11. does NOT place the application in condition for allowance because: It is argued, at page 2 of the remarks, that "However, contrary to allegations in the Office Action, the clocked inverter 66 of Robinson does not function as a driver circuit for driving the barrel shifter 62."

Whether this may be so depends almost exclusively on the meaning of "driver circuit," as that term is employed in claim 1. In his arguments, however, Applicant provides ABSOLUTELY NO GUIDANCE AS TO THE MEANING OF THE TERM, "DRIVER CIRCUIT," outside of a bald-faced insistence that the prior art does not supply it.

During patent examination, the pending claims must be given their "broadest reasonable interpretation consistent with the specification." In re Hyatt, 21 1 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). While the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. In re American Academy of Science Tech Center, WL 1067528 (Fed. Cir. May 13, 2004) (The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation). This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004).

"Drive" (as defined in the 1992 edition Academic Press Dictionary of Science and Technology) means the "application of voltage or power signals to a system, circuit, or device to cause it to perform its intended function." (Applicant may find other definitions and is encouraged to do so. Under the "broadest reasonable interpretation" standard of In re Hyatt, the broad meaning of "drive" includes any and all definitions [i.e. no one definition is favored but any may be used].) The feedback circuit in Robinson's second cell 66 applies a voltage to the pass transistors of first cell 62 to perform voltage level restoration. This voltage level restoration is a "driving" function because it causes these pass transistors to perform their intended functions. Therefore said feedback circuit is a "driver circuit" for first cell 62, within the broadest reasonable interpretation of the term "driver circuit."

It is argued, at page 3 of the remarks, that "It appears as if the Office Action contends that the clocked inverter 66 is a driver circuit for driving the barrel shifter 62 because the clocked inverter 66 includes a pull-up transistor 79 and a feedback path exists. However, although a feedback path may be present, such feedback path is only between the output OUT and input IN of the clocked inverter 66, 70. That is, there is no feedback path from the clocked inverter 66, 70 back to an input of the barrel shifter 62 in order to drive the barrel shifter. The pull-up transistor merely performs voltage level restoration." Applicant admits that second cell 66 provides a signal to first cell 62. Applicant further admits that said signal is needed to provide voltage level restoration required for the proper functioning of first cell 62. The gist of Applicant's argument seems to be Applicant's insistence that first cell 62 must be equipped with a feedback path by which it can communicate with an "input" of first cell 62. Applicant appears to insist that an "input" cannot merely, in Robinson's words (note paragraph 0053), "perform such voltage level restoration at the output of the barrel shifter [first cell 62]." Rather, in Applicant's words, there must be a "feedback path from the clocked inverter [second cell] 66, 70 back to an input of the barrel shifter barrel shifter [first cell] 62 in order to drive the barrel shifter." It is noted, however, that the features upon which applicant relies (i.e., feedback path from the claimed second cell [Robinson's clocked inverter 62] back to an input of the claimed first cell [Robinson's barrel shifter 62] in order to drive the first cell [barrel shifter 62]) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)..